

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHRISTOPHER D. BELL,

Plaintiff,

vs.

TERRY TIBBALS, *et al.*,

Defendants.

CASE NO. 1:13-CV-2843

OPINION & ORDER
[Resolving Doc. Nos. [17](#), [18](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On June 9, 2014, this Court issued an Opinion & Order dismissing the plaintiff's complaint pursuant to [28 U.S.C. § 1915A](#) because the allegations in the plaintiff's complaint were insufficient to state a viable claim under [42 U.S.C. § 1983](#) and the plaintiff's claims were barred by the statute of limitations. Plaintiff has filed a motion for reconsideration (Doc. No. 17) and a motion to reinstate his case (Doc. No. 18). These motions are both denied.

Reconsideration is warranted only if there has been: (1) a clear error law; (2) an intervening change in the law; (3) newly discovered evidence; or (4) a showing of manifest injustice. [Jones v. Gobbs](#), 21 Fed. App'x 322, 323 (6th Cir. 2001), citing [GenCorp, Inc. v. American Int'l Underwriters](#), 178 F.3d 804, 832 (6th Cir. 1999). The sole basis for the plaintiff's motions is that his claims are not time-barred because his action was a re-filing of a prior case and some allegations in his complaint describe mistreatment that could be considered under a "continuing tort" theory. (Doc. No. 17, at 1-5.) The plaintiff, however, has not demonstrated a

“clear error” of statute-of-limitations law that would warrant reconsideration of the dismissal of his case. Further, the plaintiff has not demonstrated that any of the other circumstances warranting reconsideration exist.

Conclusion

Accordingly, the plaintiff’s motions for reconsideration and to reinstate his case are denied.

IT IS SO ORDERED.

Dated: October 21, 2014

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE